IN THE HIGH COURT OF BOMBAY AT GOA
****

WRIT PETITION NO. 1 OF 2004

John Bryan, presently
lodged in Central Jail
Aguada, Aguada, Goa. ... Petitioner.

Versus

1. State of Goa,
through Chief Secretary,
Panaji, Goa,

2. The Superintendent of
Prisons, Central Jail
Aguada, Goa, and

3. The Inspector General,
Collector, North Goa,
Panaji, Goa. ... Respondents.

Ms. A. A. Dessai, advocate for the petitioner.

Ms. Winnie Coutinho, Additional Public Prosecutor for the State.

CORAM : SMT. NISHITA MHATRE &
P. V. HARDAS, JJ.

DATE : 3rd February, 2004.

ORAL JUDGMENT (Per Hardas, J.)

Rule. By consent of the learned counsel for the parties, Rule made returnable forthwith. Petition decided at the stage of admission.

2. The present petition filed by an undertrial prisoner prays for a writ of mandamus directing the respondents to provide a proper diet and the prescribed medications regularly to the petitioner and also to take the petitioner to the Goa Medical College Hospital at Bambolim, Goa, as and when the petitioner is called for follow up and regular check ups.

3. The petitioner is said to be suffering from Acquired Immune Deficiency Syndrome (AIDS) and, according to him, in view of the ailment a high nutritious diet consisting of eggs and milk is prescribed. According to him milk and eggs are available in the canteen run by the jail authorities. However, the petitioner is unable to store milk once the packet is opened.

4. In response to an order of this Court, the petitioner had been sent for a medical check up and the report of the examination has been filed by the respondents and is at Annexure 'D'. According to the consultant on duty, he has opined that since the petitioner is suffering from AIDS the petitioner requires a rich nutritious diet consisting of eggs, milk (one glass), vegetables and fruits. The petitioner requires other medicines which are both protein substitutes and multi-vitamin substitutes. The learned Additional Public Prosecutor on behalf of the respondents has stated that the respondents would make arrangements for storing both the milk and eggs and then the petitioner would be entitled to have a daily supply of both milk and eggs. In view of this statement, the learned counsel appearing for the petitioner has no further grievance.

The learned counsel states that the trial may be expedited. We leave it to the petitioner to apply to the appropriate Court for passing appropriate orders.

In view of this Writ Petition No. 1 of 2004 is disposed of accordingly on the statement made on behalf of the respondents.

SMT. NISHITA MHATRE, J.

P. V. HARDAS, J.

mc.